

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:11CR00041SNLJ
)	
TERESA A. AGUILERA,)	
)	
Defendant.)	

**GOVERNMENT'S MOTION FOR DOWNWARD DEPARTURE
UNDER SECTION 5K1.1 OF THE UNITED STATES SENTENCING
GUIDELINES AND TITLE 18, UNITED STATES CODE, SECTION 3553(e)**

Comes now the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Paul W. Hahn, Assistant United States Attorney for said District, and moves this Court, pursuant to Section 5K1.1 of the United States Sentencing Guidelines and Title 18, United States Code, Section 3553(e), for a downward departure in defendant's sentence for the reason that defendant has provided substantial assistance in the investigation of another person who has committed offenses. In support thereof, the Government states and alleges as follows:

1. On August 26, 2011, defendant entered a plea of guilty to the Indictment charging her with Armed Bank Robbery, Felon in Possession of a Firearm, and Possession of a Firearm in Furtherance of a Crime of Violence.
2. The Presentence Report reflects that Defendant Aguilera's guideline range for Counts I and III is 46 to 57 months plus a seven year consecutive term for Count II.

3. Defendant entered an agreement in the initial stages of the Government's prosecution to plead guilty and assist law enforcement authorities.

4. Pursuant to this agreement defendant entered her plea thereby preventing the Government from expending its time and resources in preparation for trial. The defendant received a three level decrease in her offense level because of her early decision to enter a plea.

5. The defendant has met with law enforcement authorities at all times requested. In the Government's opinion, the defendant has provided full, complete and candid information concerning her involvement in the bank robbery and the involvement of others. Specifically, the defendant testified on behalf of the Government at the jury trial in the case of *United States v. Keith William Overbey* on September 26, 2011.

6. Defendant was not requested to appear before the Grand Jury.

7. For these reasons, the Government moves for a downward departure.

Respectfully submitted,

RICHARD G. CALLAHAN
UNITED STATES ATTORNEY

/s/ Paul W. Hahn
PAUL W. HAHN, #33190MO
ASSISTANT UNITED STATES ATTORNEY
555 Independence, 3rd Floor
Cape Girardeau, MO 63703
(573) 334-3736

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2011, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Michael A. Skrien
Assistant Federal Public Defender

/s/ Paul W. Hahn

Paul W. Hahn, #33190MO
Assistant United States Attorney